

Embassy of the United States of America Islamabad, Pakistan

19-FEB-2021

Contracting Officer (GSO) U.S. Embassy Islamabad Diplomatic Enclave, Ramna-5 Islamabad

E-mail: Islamabad-GSO-Contracting@State.Gov;

Phone: 92-51-201-5752

Subject: Request for Price Quotation – Supply of Hygiene Tissues for Expendable Stock The Embassy requests your price quote on a priority basis for the following item/Services:

1. **ITEM DESCRIPTION:**

The U.S. Embassy Islamabad requires deliveries/services under an Indefinite Delivery Indefinite Quantity (IDIQ) Purchase Order (PO) for Islamabad Post. These deliveries will be on-call basis, as identified and requested by the Point of Contact (POC). No formal delivery order will be issued against this IDIQ Purchase Order but a phone call and/or an email will be used to place orders against this firm-fixed price IDIQ PO. In case of phone call order, it will be followed by an email within three days. Price will remain valid and shall not be revised throughout period of performance.

2. **Pricing Table**

Item	Item Description	Specifications	Unit Price*	Max Order**	Total Price*
1	Bulk Roll Tollet Paper	100± Rolls/box 2-Ply sheets/roll Brand: Rose Petal (or equiv.)		1000 Boxes (up to 100,000 Rolls)	
2	Bulk Paper Hand-Towels (white)	60± Packs/box 75± sheets/pack Brand: Rose Petal (or equiv.)		2000 Boxes (up to 120,000 Packs)	

^{*} Prices are all in PKR



^{**}Grand total of all delivery orders placed during the period of performance

3. **MINIMUM AND MAXIMUM OF THE CONTRACT:** Minimum of the contract is 100 Boxes for each item; the quantities mentioned in the price section will serve as the maximum of the contract. Means the Government will not place orders under this purchase order more than the above said quantities.

4. Offer Requirements:

- a) Please submit your quote along with proposed sample (01 each) via courier on or before *March 18, 2021* to Contracting Officer, U.S. Embassy, Diplomatic Enclave, Ramna-5, Islamabad
- b) Please prepare a quotation on your company letterhead in accordance with the requested details of this RFQ.
- c) Please provide reference of our Request Number 19PK3321Q1009 in all your correspondence regarding this request for price quotation.
- d) Include list of your clients whom you sold the items in this RFQ for last two years.
- e) Bidder must have a physical business address and good financial health in order to get this award. Provide evidence for business address and financial strength.
- f) Authorized dealers / distributors will be given preference. Therefore, attach a valid manufacturer's certificate for dealership /distribution.

5. TERMS & CONDITIONS

- a) **Duration of Contract (Period of Performance):** Duration of the contract will be for one year starting from the date of award.
- b) **Mode and place of delivery:** Delivery to be made upon notice of 72 business hours. Contractor shall be prepared to provide for emergency on-call deliveries as requested by the assigned U.S. Embassy POC of this IDIQ PO. All deliveries will be made to following addresses as notified by embassy POC while placing the individual order:
- i. Plot # 281 283 (Ex-7up factory) I-9/3, Industrial area, Dry port road Islamabad

or

- ii. Plot # 80-C, Street # 6, I-10/3 Islamabad
- c) Please note, the following steps/actions must be taken prior to the delivery:
 - Deliveries will be accepted only on Tuesdays and Thursdays from 10:00 a.m. to 01:00 p.m.
 - ❖ Contact us at least three working days prior to delivery date and provide full name/s as written on CNIC of the person/s (driver/helper) who will deliver the stuff, along with particulars of vehicle/s to be used like make, model, color and license plate (registration) number
 - Please note, all personnel accompanying the delivery vehicle must be in possession of their original National Identity Card (CNIC).
- b) **Inspection & Acceptance:** A Government representative will inspect the products delivered to determine the quality and acceptability. Substandard products shall be returned at vendor's expense.

- c) **Payment Terms:** Payment will be made within 30 days through Electronic Funds Transfer (EFT) upon submission of legitimate invoice to Financial Management Officer (FMO) for each delivery made and accepted by the POC or receiving unit at our warehouse.
- d) **SUBMISSION OF INVOICE:** Each invoice shall include vendor invoice number, purchase order/contract number, date issued, brief description of supplies/services provided, quantities, unit and total price, and signed by the signing authority.

Invoices must be routed to:

- One original invoice in pdf format to the Financial Management Center to <u>IslamabadFMC-Invoice@state.gov</u>
- One copy clearly marked "DUPLICATE Copy for GSO original submitted to FMO" to <u>Islamabad_GSO_Procurement@state.gov</u>
- *Note: Although email is the preferred method, invoices may also be submitted by mail (do not also send electronically if you choose to mail the invoice, mail to the following address:

Financial Management Officer (FMO) US Embassy, Diplomatic Enclave Ramna-5 Islamabad

For payment related queries please contact <u>IslamabadFMC-Invoice@state.gov</u>.
 Contracting Officer takes no responsibility for payment and/or associated queries.

6. Special Requirements "Risk Analysis Management (RAM)"

Offers that fall within our competitive range require additional processing for companies wishing to do business with U.S. Mission, Pakistan.

This extra risk analysis vetting is performed on key contractor personnel; including host country, third country, U.S. citizens, and Legal Permanent Residents of the United States. The vetting process applies to all contracts, purchase orders, delivery orders, Blanket Purchase Agreements (BPAs), and BPA calls.

A request for information will be emailed to offerors in the competitive range or selected vendors, and all interested vendors must provide all information requested in the DS Form 4184, Risk Analysis Information. Vendors are required to submit the requested data required for vetting via a secure online portal linking them to the Risk Analysis Management (RAM) office; access to the Portal and instructions for creating an account will be provided to the vendor by email.

Successful passing of vetting is one condition of receiving award. Other factors are price reasonableness and technical acceptability. Each vendor should submit the requested data via the secure online RAM portal within 3-5 days after being contacted. Vendors who do not provide the information will not be considered for contract awards.

7. Contract Clauses

FAR 52.252-2 Clauses Incorporated By Reference (FEB 1998)

This purchase order or BPA incorporates the following clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. Also, the full text of a clause may be accessed electronically at this address: https://www.acquisition.gov/far

DOSAR clauses may be accessed at: http://www.statebuy.state.gov/dosar/dosartoc.htm

FEDERAL ACQUISITION REGULATION (48 CFR Chapter 1) CLAUSES

NUMBER	TITLE TITLE	
52.204-7	SYSTEM FOR AWARD MANAGEMENT	OCT 2018
52.204-9	Personal Identity Verification of Contractor Personnel (if contractor requires physical access to a federally	JAN 2011
	controlled facility or access to a Federal information system)	
52.204-13	SYSTEM FOR AWARD MANAGEMENT MAINTENANCE	OCT 2018
52.204-18	COMMERCIAL AND GOVERNMENT ENTITY CODE MAINTENANCE	JUL 2016
52.212-4	Contract Terms and Conditions – Commercial Items (Alternate I (MAY 2014) of 52.212-4 applies if the order is time-and-materials or labor-hour)	OCT 2018
52.225-19	Contractor Personnel in a Diplomatic or Consular Mission Outside the United States (applies to services at danger pay posts only)	MAR 2008
52.227-19	Commercial Computer Software License (if order is for software)	DEC 2007
52.228-3	Workers' Compensation Insurance (Defense Base Act) (if order is for services and contractor employees are covered by Defense Base Act insurance)	JUL 2014
52.228-4	Workers' Compensation and War-Hazard Insurance (if order is for services and contractor employees are <u>not</u> covered by Defense Base Act insurance)	APR 1984
52.225-25	PROHIBITION ON CONTRACTING WITH ENTITIES ENGAGING IN CERTAIN ACTIVITIES OR TRANSACTIONS RELATING TO IRAN—REPRESENTATION AND CERTIFICATIONS	JUN 2020

52.212-5 CONTRACT TERMS AND CONDITIONS REQUIRED TO IMPLEMENT STATUTES OR EXECUTIVE ORDERS-COMMERCIAL ITEMS (MAY 2019)

- (a) The Contractor shall comply with the following Federal Acquisition Regulation (FAR) clauses, which are incorporated in this contract by reference, to implement provisions of law or Executive orders applicable to acquisitions of commercial items:
- (1) <u>52.203-19</u>, Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (Jan 2017) (section 743 of Division E, Title VII, of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) and its successor provisions in subsequent appropriations acts (and as extended in continuing resolutions)).
- (2) <u>52.204-23</u>, Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities (*Jul 2018*) (Section 1634 of Pub. L. 115-91).

- (3) <u>52.209-10</u>, Prohibition on Contracting with Inverted Domestic Corporations (*Nov 2015*).
 - (4) <u>52.233-3</u>, Protest After Award (*Aug* 1996) (<u>31 U.S.C. 3553</u>).
- (5) <u>52.233-4</u>, Applicable Law for Breach of Contract Claim (*Oct 2004*) (Public Laws 108-77 and 108-78 (<u>19 U.S.C. 3805 note</u>)).
- (b) The Contractor shall comply with the FAR clauses in this paragraph (b) that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items:

[Contracting Officer check as appropriate.]

- _ (1) <u>52.203-6</u>, Restrictions on Subcontractor Sales to the Government (*Sept* 2006), with Alternate I (*Oct* 1995) (41 U.S.C. 4704 and 10 U.S.C. 2402).
- _ (2) <u>52.203-13</u>, Contractor Code of Business Ethics and Conduct (*Oct* 2015) (41 U.S.C. 3509)).
- _ (3) <u>52.203-15</u>, Whistleblower Protections under the American Recovery and Reinvestment Act of 2009 (*June* 2010) (Section 1553 of Pub. L. 111-5). (Applies to contracts funded by the American Recovery and Reinvestment Act of 2009.)
- \underline{X} (4) <u>52.204-10</u>, Reporting Executive Compensation and First-Tier Subcontract Awards (*Oct* 2018) (Pub. L. 109-282) (<u>31 U.S.C. 6101 note</u>).
- _ (5) [Reserved].
- _ (6) <u>52.204-14</u>, Service Contract Reporting Requirements (*Oct* 2016) (Pub. L. 111-117, section 743 of Div. C).
- _ (7) <u>52.204-15</u>, Service Contract Reporting Requirements for Indefinite-Delivery Contracts (*Oct* 2016) (Pub. L. 111-117, section 743 of Div. C).
- <u>X</u> (8) <u>52.209-6</u>, Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment. (*Oct* 2015) (<u>31 U.S.C. 6101 note</u>).
- _ (9) <u>52.209-9</u>, Updates of Publicly Available Information Regarding Responsibility Matters (*Oct* 2018) (<u>41 U.S.C. 2313</u>).
- _ (10) [Reserved].
- _ (11) (i) <u>52.219-3</u>, Notice of HUBZone Set-Aside or Sole-Source Award (*Nov* 2011) (15 U.S.C.657a).
- _ (ii) Alternate I (*Nov* 2011) of <u>52.219-3</u>.
- _ (12) <u>52.219-4</u>, Notice of Price Evaluation Preference for HUBZone Small Business Concerns (*Oct* 2014) (if the offeror elects to waive the preference, it shall so indicate in its offer) (<u>15 U.S.C. 657a</u>).
- _ (ii) Alternate I (*Jan* 2011) of <u>52.219-4</u>.
- _ (13) [Reserved]
- _ (14) (i) <u>52.219-6</u>, Notice of Total Small Business Set-Aside (*Nov* 2011) (15 U.S.C.644).
- _ (ii) Alternate I (*Nov* 2011).
- _ (iii) Alternate II (Nov 2011).
- (15) (i) <u>52.219-7</u>, Notice of Partial Small Business Set-Aside (*June* 2003) (15 U.S.C. 644).

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_ (ii) Alternate I (Oct 1995) of <u>52.219-7</u>.
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- _ (iii) Alternate II (*Mar* 2004) of <u>52.219-7</u>.
- _ (16) <u>52.219-8</u>, Utilization of Small Business Concerns (*Oct* 2018)
- (15 U.S.C. 637(d)(2) and (3)).
- _ (17) (i) <u>52.219-9</u>, Small Business Subcontracting Plan (*Aug* 2018) (15 U.S.C. 637(d)(4))
- _ (ii) Alternate I (*Jan* 2017) of <u>52.219-9</u>.
- _ (iii) Alternate II (*Nov* 2016) of <u>52.219-9</u>.
- _ (iv) Alternate III (*Nov* 2016) of <u>52.219-9</u>.
- _ (v) Alternate IV (Aug 2018) of <u>52.219-9</u>
- _ (18) <u>52.219-13</u>, Notice of Set-Aside of Orders (*Nov* 2011) (<u>15 U.S.C. 644(r)</u>).
- _ (19) <u>52.219-14</u>, Limitations on Subcontracting (*Jan* 2017) (15 U.S.C.637(a)(14)).
- _ (20) <u>52.219-16</u>, Liquidated Damages-Subcontracting Plan (*Jan* 1999) (15 U.S.C. 637(d)(4)(F)(i)).
- _ (21) <u>52.219-27</u>, Notice of Service-Disabled Veteran-Owned Small Business Set-Aside (*Nov* 2011) (15 U.S.C. 657f).
- _ (22) <u>52.219-28</u>, Post Award Small Business Program Representation (*Jul* 2013) (15 U.S.C. 632(a)(2)).
- _ (23) <u>52.219-29</u>, Notice of Set-Aside for, or Sole Source Award to, Economically Disadvantaged Women-Owned Small Business Concerns (*Dec* 2015) (15 U.S.C. 637(m)).
- _ (24) <u>52.219-30</u>, Notice of Set-Aside for, or Sole Source Award to, Women-Owned Small Business Concerns Eligible Under the Women-Owned Small Business Program (*Dec* 2015) (<u>15 U.S.C. 637(m</u>)).
- _ (25) <u>52.222-3</u>, Convict Labor (*June* 2003) (E.O.11755).
- \underline{X} (26) <u>52.222-19</u>, Child Labor-Cooperation with Authorities and Remedies (*Jan* 2018) (E.O.13126).
- _ (27) <u>52.222-21</u>, Prohibition of Segregated Facilities (*Apr* 2015).
- _ (28) <u>52.222-26</u>, Equal Opportunity (*Sept* 2016) (E.O.11246).

Alternate I (*Feb* 1999) of <u>52.222-26</u>.

- _ (29) <u>52.222-35</u>, Equal Opportunity for Veterans (*Oct* 2015) (<u>38 U.S.C. 4212</u>).
- _ (ii) Alternate I (July 2014) of <u>52.222-35</u>.
- _ (30) <u>52.222-36</u>, Equal Opportunity for Workers with Disabilities (*Jul* 2014) (29 U.S.C.793).
- _ (ii) Alternate I (July 2014) of <u>52.222-36</u>.
- _ (31) <u>52.222-37</u>, Employment Reports on Veterans (*Feb 2016*) (38 U.S.C. 4212).
- _ (32) <u>52.222-40</u>, Notification of Employee Rights Under the National Labor Relations Act (*Dec* 2010) (E.O. 13496).
- \underline{X} (33) (i) $\underline{52.222-50}$, Combating Trafficking in Persons (*Jan* 2019) (22 U.S.C. chapter 78 and E.O. 13627).
- _ (ii) Alternate I (*Mar* 2015) of <u>52.222-50</u> (<u>22 U.S.C. chapter 78</u> and E.O. 13627).
- _ (34) 52.222-54, Employment Eligibility Verification (Oct 2015). (Executive

- Order 12989). (Not applicable to the acquisition of commercially available off-the-shelf items or certain other types of commercial items as prescribed in 22.1803.)
- _ (35) (i) <u>52.223-9</u>, Estimate of Percentage of Recovered Material Content for EPA–Designated Items (*May* 2008) (<u>42 U.S.C. 6962(c)(3)(A)(ii)</u>). (Not applicable to the acquisition of commercially available off-the-shelf items.)
- _ (ii) Alternate I (*May* 2008) of <u>52.223-9</u> (<u>42 U.S.C. 6962(i)(2)(C)</u>). (Not applicable to the acqu
- _ (36) <u>52.223-11</u>, Ozone-Depleting Substances and High Global Warming Potential Hydrofluorocarbons (*Jun* 2016) (E.O. 13693).
- _ (37) <u>52.223-12</u>, Maintenance, Service, Repair, or Disposal of Refrigeration Equipment and Air Conditioners (*Jun*2016) (E.O. 13693).
- _ (38) (i) <u>52.223-13</u>, Acquisition of EPEAT®-Registered Imaging Equipment (*Jun 2014*) (E.O.s 13423 and 13514).
- _ (ii) Alternate I (*Oct* 2015) of <u>52.223-13</u>.
- _ (39) <u>52.223-14</u>, Acquisition of EPEAT®-Registered Televisions (*Jun 2014*) (E.O.s 13423 and 13514).
- Alternate I (*Jun* 2014) of 52.223-14.
- _ (40) <u>52.223-15</u>, Energy Efficiency in Energy-Consuming Products (*Dec 2007*) (42 U.S.C. 8259b).
- _ (41) <u>52.223-16</u>, Acquisition of EPEAT®-Registered Personal Computer Products (*Oct 2015*) (E.O.s 13423 and 13514).
- _ (ii) Alternate I (*Jun* 2014) of 52.223-16.
- <u>X</u> (42) <u>52.223-18</u>, Encouraging Contractor Policies to Ban Text Messaging While Driving (*Aug 2011*) (E.O. 13513).
- _ (43) <u>52.223-20</u>, Aerosols (*Jun* 2016) (E.O. 13693).
- _ (44) <u>52.223-21</u>, Foams (*Jun* 2016) (E.O. 13693).
- _ (45) <u>52.224-3</u> Privacy Training (*Jan* 2017) (5 U.S.C. 552 a).
- Alternate I (*Jan* 2017) of <u>52.224-3</u>.
- _ (46) <u>52.225-1</u>, Buy American-Supplies (*May* 2014) (<u>41 U.S.C. chapter 83</u>).
- _ (47) (i) <u>52.225-3</u>, Buy American-Free Trade Agreements-Israeli Trade Act (*May* 2014)
- (41 U.S.C. chapter 83, 19 U.S.C. 3301 note, 19 U.S.C. 2112 note, 19 U.S.C. 3805 note, 19 U.S.C. 4001 note, Pub. L. 103-182, 108-77, 108-78, 108-286, 108-302, 109-53, 109-169, 109-283, 110-138, 112-41, 112-42, and 112-43.
- _ (ii) Alternate I (*May* 2014) of <u>52.225-3</u>.
- _ (iii) Alternate II (*May* 2014) of <u>52.225-3</u>.
- _ (iv) Alternate III (May 2014) of <u>52.225-3</u>.
- _ (48) <u>52.225-5</u>, Trade Agreements (*Aug 2018*) (<u>19 U.S.C. 2501</u>, *et seq.*, 19 U.S.C. 3301note).
- \underline{X} (49) <u>52.225-13</u>, Restrictions on Certain Foreign Purchases (*June* 2008) (E.O.'s, proclamations, and statutes administered by the Office of Foreign Assets Control of the Department of the Treasury).
- _ (50) <u>52.225-26</u>, Contractors Performing Private Security Functions Outside the United States (*Oct* 2016) (Section 862, as amended, of the National Defense

- Authorization Act for Fiscal Year 2008; 10 U.S.C. 2302 Note).
- _ (51) <u>52.226-4</u>, Notice of Disaster or Emergency Area Set-Aside (*Nov* 2007) (42 U.S.C. 5150).
- _ (52) <u>52.226-5</u>, Restrictions on Subcontracting Outside Disaster or Emergency Area (*Nov* 2007) (<u>42 U.S.C. 5150</u>).
- <u>X</u> (53) <u>52.232-29</u>, Terms for Financing of Purchases of Commercial Items (*Feb* 2002) (41 U.S.C.4505, 10 U.S.C.2307(f)).
- _ (54) <u>52.232-30</u>, Installment Payments for Commercial Items (*Jan* 2017) (41 U.S.C.4505, 10 U.S.C.2307(f)).
- _(55) <u>52.232-33</u>, Payment by Electronic Funds Transfer-System for Award Management (*Oct* 2018) (<u>31 U.S.C. 3332</u>).
- <u>X</u> (56) <u>52.232-34</u>, Payment by Electronic Funds Transfer-Other than System for Award Management (*Jul* 2013) (<u>31 U.S.C.3332</u>).
- _ (57) <u>52.232-36</u>, Payment by Third Party (*May* 2014) (<u>31 U.S.C.3332</u>).
- _ (58) <u>52.239-1</u>, Privacy or Security Safeguards (*Aug* 1996) (<u>5 U.S.C. 552a</u>).
- _ (59) <u>52.242-5</u>, Payments to Small Business Subcontractors (*Jan* 2017) (15 U.S.C. 637(d)(13)).
- _ (60) <u>52.247-64</u>, Preference for Privately Owned U.S.-Flag Commercial Vessels (*Feb* 2006) (46 U.S.C. Appx. 1241(b) and 10 U.S.C. 2631).
- _ (ii) Alternate I (*Apr* 2003) of <u>52.247-64</u>.
- _ (iii) Alternate II (Feb 2006) of <u>52.247-64</u>.
- (c) The Contractor shall comply with the FAR clauses in this paragraph (c), applicable to commercial services, that the Contracting Officer has indicated as being incorporated in this contract by reference to implement provisions of law or Executive orders applicable to acquisitions of commercial items:

[Contracting Officer check as appropriate.]

- _ (1) <u>52.222-17</u>, Nondisplacement of Qualified Workers (*May* 2014)(E.O. 13495).
- _ (2) <u>52.222-41</u>, Service Contract Labor Standards (*Aug* 2018) (<u>41 U.S.C. chapter</u> 67).
- _ (3) <u>52.222-42</u>, Statement of Equivalent Rates for Federal Hires (*May* 2014) (29 U.S.C. 206 and 41 U.S.C. chapter 67).
- _ (4) <u>52.222-43</u>, Fair Labor Standards Act and Service Contract Labor Standards-Price Adjustment (Multiple Year and Option Contracts) (*Aug* 2014) (29 U.S.C. 206 and 41 U.S.C. chapter 67).
- _ (5) <u>52.222-44</u>, Fair Labor Standards Act and Service Contract Labor Standards-Price Adjustment (*May* 2014) (29 U.S.C. 206 and 41 U.S.C. chapter 67).
- _ (6) <u>52.222-51</u>, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment-Requirements (*May* 2014) (<u>41 U.S.C. chapter 67</u>).
- _ (7) <u>52.222-53</u>, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services-Requirements (*May* 2014) (41 U.S.C. chapter 67).

- _ (8) <u>52.222-55</u>, Minimum Wages Under Executive Order 13658 (*Dec* 2015).
- _ (9) <u>52.222-62</u>, Paid Sick Leave Under Executive Order 13706 (*Jan* 2017) (E.O. 13706).
- _ (10) <u>52.226-6</u>, Promoting Excess Food Donation to Nonprofit Organizations (*May* 2014) (42 U.S.C. 1792).
- (d) *Comptroller General Examination of Record*. The Contractor shall comply with the provisions of this paragraph (d) if this contract was awarded using other than sealed bid, is in excess of the simplified acquisition threshold, and does not contain the clause at <u>52.215-2</u>, Audit and Records-Negotiation.
- (1) The Comptroller General of the United States, or an authorized representative of the Comptroller General, shall have access to and right to examine any of the Contractor's directly pertinent records involving transactions related to this contract.
- (2) The Contractor shall make available at its offices at all reasonable times the records, materials, and other evidence for examination, audit, or reproduction, until 3 years after final payment under this contract or for any shorter period specified in FAR <u>subpart 4.7</u>, Contractor Records Retention, of the other clauses of this contract. If this contract is completely or partially terminated, the records relating to the work terminated shall be made available for 3 years after any resulting final termination settlement. Records relating to appeals under the disputes clause or to litigation or the settlement of claims arising under or relating to this contract shall be made available until such appeals, litigation, or claims are finally resolved.
- (3) As used in this clause, records include books, documents, accounting procedures and practices, and other data, regardless of type and regardless of form. This does not require the Contractor to create or maintain any record that the Contractor does not maintain in the ordinary course of business or pursuant to a provision of law.
- (e) (1) Notwithstanding the requirements of the clauses in paragraphs (a), (b), (c), and (d) of this clause, the Contractor is not required to flow down any FAR clause, other than those in this paragraph (e)(1) in a subcontract for commercial items. Unless otherwise indicated below, the extent of the flow down shall be as required by the clause-
- (i) <u>52.203-13</u>, Contractor Code of Business Ethics and Conduct (*Oct* 2015) (<u>41 U.S.C. 3509</u>).
- (ii) <u>52.203-19</u>, Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (Jan 2017) (section 743 of Division E, Title VII, of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) and its successor provisions in subsequent appropriations acts (and as extended in continuing resolutions)).
- (iii) <u>52.204-23</u>, Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities (*Jul* 2018) (Section 1634 of Pub. L. 115-91).
- (iv) <u>52.219-8</u>, Utilization of Small Business Concerns (*Oct* 2018) (<u>15 U.S.C.637(d)(2)</u> and (3)), in all subcontracts that offer further subcontracting

- opportunities. If the subcontract (except subcontracts to small business concerns) exceeds \$700,000 (\$1.5 million for construction of any public facility), the subcontractor must include <u>52.219-8</u> in lower tier subcontracts that offer subcontracting opportunities.
- (v) <u>52.222-17</u>, Nondisplacement of Qualified Workers (*May* 2014) (E.O. 13495). Flow down required in accordance with paragraph (l) of FAR clause <u>52.222-17</u>.
 - (vi) <u>52.222-21</u>, Prohibition of Segregated Facilities (*Apr* 2015).
 - (vii) <u>52.222-26</u>, Equal Opportunity (*Sept* 2015) (E.O.11246).
 - (viii) <u>52.222-35</u>, Equal Opportunity for Veterans (*Oct* 2015) (<u>38 U.S.C.4212</u>).
- (ix) <u>52.222-36</u>, Equal Opportunity for Workers with Disabilities (*Jul* 2014) (29 U.S.C.793).
 - (x) <u>52.222-37</u>, Employment Reports on Veterans (*Feb* 2016) (<u>38 U.S.C.4212</u>)
- (xi) <u>52.222-40</u>, Notification of Employee Rights Under the National Labor Relations Act (*Dec* 2010) (E.O. 13496). Flow down required in accordance with paragraph (f) of FAR clause <u>52.222-40</u>.
- (xii) <u>52.222-41</u>, Service Contract Labor Standards (*Aug* 2018) (<u>41 U.S.C. chapter</u> 67).
- (xiii) (A) <u>52.222-50</u>, Combating Trafficking in Persons (*Jan* 2019) (22 U.S.C. chapter 78 and E.O 13627).
 - (B) Alternate I (Mar 2015) of <u>52.222-50(22 U.S.C. chapter 78 and E.O 13627</u>).
- (xiv) <u>52.222-51</u>, Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment-Requirements (*May* 2014) (41 U.S.C. chapter 67).
- (xv) <u>52.222-53</u>, Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services-Requirements (*May* 2014) (<u>41 U.S.C. chapter 67</u>).
 - (xvi) 52.222-54, Employment Eligibility Verification (Oct 2015) (E.O. 12989).
 - (xvii) <u>52.222-55</u>, Minimum Wages Under Executive Order 13658 (*Dec* 2015).
- (xviii) <u>52.222-62</u>, Paid Sick Leave Under Executive Order 13706 (*Jan* 2017) (E.O. 13706).
 - (xix) (A) <u>52.224-3</u>, Privacy Training (*Jan* 2017) (<u>5 U.S.C. 552a</u>).
 - (B) Alternate I (*Jan* 2017) of <u>52.224-3</u>.
- (xx) <u>52.225-26</u>, Contractors Performing Private Security Functions Outside the United States (*Oct* 2016) (Section 862, as amended, of the National Defense Authorization Act for Fiscal Year 2008; <u>10 U.S.C. 2302 Note</u>).
- (xxi) <u>52.226-6</u>, Promoting Excess Food Donation to Nonprofit Organizations (*May* 2014) (<u>42 U.S.C. 1792</u>). Flow down required in accordance with paragraph (e) of FAR clause <u>52.226-6</u>.
- (xxii) <u>52.247-64</u>, Preference for Privately Owned U.S.-Flag Commercial Vessels (*Feb* 2006) (<u>46 U.S.C. Appx.1241(b)</u> and <u>10 U.S.C.2631</u>). Flow down required in accordance with paragraph (d) of FAR clause <u>52.247-64</u>.
- (d) of FAR clause <u>52.247-64</u>.

(2) While not required, the Contractor may include in its subcontracts for commercial items a minimal number of additional clauses necessary to satisfy its contractual obligations.

(End of clause)

DEPARTMENT OF STATE ACQUISITION REGULATION (48 CFR Chapter 6) CLAUSES

NUMBER	TITLE	DATE
652.225-71	Section 8(a) of the Export Administration Act of 1979,	AUG 1999
	As Amended (if order exceeds simplified acquisition	
	threshold)	
652.229-70	Excise Tax Exemption Statement for Contractors Within	JUL 1988
	the United States (for supplies to be delivered to an	
	overseas post)	
652.229-71	Personal Property Disposition at Posts Abroad	AUG 1999
652.237-72	Observance of Legal Holidays and Administrative Leave	APR 2004
	(for services where performance will be on-site in a	
	Department of State facility)	
652.239-71	Security Requirements for Unclassified Information	SEP 2007
	Technology Resources (for orders that include	
	information technology resources or services in which	
	the contractor will have physical or electronic access to	
	Department information that directly supports the	
	mission of the Department)	
652.242-70	Contracting Officer's Representative (if a COR will be	AUG 1999
	named for the order) Fill-in for paragraph b: "The COR	
	is "	
652.242-71	Notice of Shipments	JUL 1988
652.242-73	Authorization and Performance	AUG 1999
652.243-70	Notices	AUG 1999
652.247-71	Shipping Instruction	FEB 2015

The following clause is provided in full text, and is applicable for orders for services that will require contractor employees to perform on-site at a DOS location and/or that require contractor employees to have access to DOS information systems:

652.204-70 Department of State Personal Identification Card Issuance Procedures (MAY 2011)

(a) The Contractor shall comply with the Department of State (DOS) Personal Identification Card Issuance Procedures for all employees performing under this contract who require frequent and continuing access to DOS facilities, or information systems. The Contractor shall insert this clause in all subcontracts when the subcontractor's employees will require frequent and continuing access to DOS facilities, or information systems.

(b) The DOS Personal Identification Card Issuance Procedures may be accessed at http://www.state.gov/m/ds/rls/rpt/c21664.htm.

(End of clause)

52.204-24 Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment (OCT 2020).

The Offeror shall not complete the representation at paragraph (d)(1) of this provision if the offeror has represented that it "does not provide covered telecommunications equipment or services as a part of its offered products or services to the Government in the performance of any contract, subcontract, or other contractual instrument" in paragraph (c)(1) in the provision at 52.204–26, Covered Telecommunications Equipment or Services—Representation, or in paragraph (v)(2)(i) of the provision at 52.212–3, Offeror Representations and Certifications—Commercial Items. The Offeror shall not complete the representation in paragraph (d)(2) of this provision if the Offeror has represented that it "does not use covered telecommunications equipment or services, or any equipment, system, or service that uses covered telecommunications equipment or services" in paragraph (c)(2) of the provision at 52.204–26, or in paragraph (v)(2)(ii) of the provision at 52.212–3.

(a) Definitions. As used in this provision—

Backhaul, covered telecommunications equipment or services, critical technology, interconnection arrangements, reasonable inquiry, roaming, and substantial or essential component have the meanings provided in the clause 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.

(b) Prohibition.

- (1) Section 889(a)(1)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2019, from procuring or obtaining, or extending or renewing a contract to procure or obtain, any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. Nothing in the prohibition shall be construed to—
- (i)Prohibit the head of an executive agency from procuring with an entity to provide a service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or
- (ii)Cover telecommunications equipment that cannot route or redirect user data traffic or cannot permit visibility into any user data or packets that such equipment transmits or otherwise handles.
- (2) Section 889(a)(1)(B) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Pub. L. 115-232) prohibits the head of an executive agency on or after August 13, 2020, from entering into a contract or extending or renewing a contract with an entity that uses any equipment, system, or service that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. This prohibition applies to the use of covered telecommunications equipment or services, regardless of whether that use is in performance of work under a Federal contract. Nothing in the prohibition shall be construed to— 42

- (i)Prohibit the head of an executive agency from procuring with an entity to provide a service that connects to the facilities of a third-party, such as backhaul, roaming, or interconnection arrangements; or
- (ii)Cover telecommunications equipment that cannot route or redirect user data traffic or cannot permit visibility into any user data or packets that such equipment transmits or otherwise handles.
- (c) *Procedures*. The Offeror shall review the list of excluded parties in the System for Award Management (SAM) (https://www.sam.gov) for entities excluded from receiving federal awards for "covered telecommunications equipment or services".
- (d) Representation. The Offeror represents that—
- (1)It \Box will, \Box will not provide covered telecommunications equipment or services to the Government in the performance of any contract, subcontract or other contractual instrument resulting from this solicitation. The Offeror shall provide the additional disclosure information required at paragraph (e)(1) of this section if the Offeror responds "will" in paragraph (d)(1) of this section; and
- (2)After conducting a reasonable inquiry, for purposes of this representation, the Offeror represents that—
- It \Box does, \Box does not use covered telecommunications equipment or services, or use any equipment, system, or service that uses covered telecommunications equipment or services. The Offeror shall provide the additional disclosure information required at paragraph (e)(2) of this section if the Offeror responds "does" in paragraph (d)(2) of this section.
- (e) Disclosures.
- (1) Disclosure for the representation in paragraph (d)(1) of this provision. If the Offeror has responded "will" in the representation in paragraph (d)(1) of this provision, the Offeror shall provide the following information as part of the offer:
- (i)For covered equipment—
- (A)The entity that produced the covered telecommunications equipment (include entity name, unique entity identifier, CAGE code, and whether the entity was the original equipment manufacturer (OEM) or a distributor, if known);
- (B)A description of all covered telecommunications equipment offered (include brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); and
- (C)Explanation of the proposed use of covered telecommunications equipment and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(1) of this provision.
- (ii)For covered services—
- (A)If the service is related to item maintenance: A description of all covered 43

telecommunications services offered (include on the item being maintained: Brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); or

- (B)If not associated with maintenance, the Product Service Code (PSC) of the service being provided; and explanation of the proposed use of covered telecommunications services and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(1) of this provision.
- (2) Disclosure for the representation in paragraph (d)(2) of this provision. If the Offeror has responded "does" in the representation in paragraph (d)(2) of this provision, the Offeror shall provide the following information as part of the offer:

(i)For covered equipment—

- (A)The entity that produced the covered telecommunications equipment (include entity name, unique entity identifier, CAGE code, and whether the entity was the OEM or a distributor, if known);
- (B)A description of all covered telecommunications equipment offered (include brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); and
- (C)Explanation of the proposed use of covered telecommunications equipment and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(2) of this provision.
- (ii)For covered services—
- (A)If the service is related to item maintenance: A description of all covered telecommunications services offered (include on the item being maintained: Brand; model number, such as OEM number, manufacturer part number, or wholesaler number; and item description, as applicable); or
- (B)If not associated with maintenance, the PSC of the service being provided; and explanation of the proposed use of covered telecommunications services and any factors relevant to determining if such use would be permissible under the prohibition in paragraph (b)(2) of this provision.

(End of provision)

52.204-26 COVERED TELECOMMUNICATIONS EQUIPMENT OR SERVICES REPRESENTATION (OCT-2020).

- (a) Definitions. As used in this provision, "covered telecommunications equipment or services" and "reasonable inquiry" have the meaning provided in the clause 52.204-25, Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment.
- (b) Procedures. The Offeror shall review the list of excluded parties in the System for Award Management (SAM) (https://www.sam.gov) for entities excluded from receiving federal awards for "covered telecommunications equipment or services".
- (c) Representations. (1) The Offeror represents that it [] does, [] does not provide covered telecommunications equipment or services as a part of its offered products or services to the Government in the performance of any contract, subcontract, or other contractual instrument.
- (2) After conducting a reasonable inquiry for purposes of this representation, the Offeror represents that it [] does, [] does not use covered telecommunications equipment or services, or any equipment, system, or service that uses covered telecommunications equipment or services.

(End of provision)